IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

WP(C).No. 11359 of 2007()

OS.1545/2005 of ADDL. MUNSIFF'S COURT, THIRUVANANTHAPURAM

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PETITIONERS:

1. MAJITHA BEEVI, D/O.LATE ASUMA BEEVI,
   RESIDING AT AATTARIKATHU VEEDU, 11TH STONE,
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK.

2. SANOOJA BEEVI, D/O.LATE ASUMA BEEVI,
   RESIDING AT AATTARIKATHU VEEDU, 11TH STONE,
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK.

BY ADV. SMT.M.HEMALATHA
SRI.B.SATHIQ

RESPONDENTS:

1. ABDUL WAHAB, S/O.LATE ABDUL RAHMAN,
   RESIDING AT NETTAYIL THADATHARIKATH VEEDU,
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK.

2. AMJATH, AGED 15 YEARS (MINOR),
   S/O.ABDUL WAHAB, NETTAYIL THADATHARIKATH VEEDU,
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK,
   REPRESENTED BY HIS FATHER AND GUARDIAN THE IST
   RESPONDENT.

3. SADDAM, AGED 13 YEARS (MINOR),
   S/O.ABDUL WAHAB, NETTAYIL THADATHARIKATH VEEDU,
   NEDUMANGAD VILLAGE, NEDUMANGAD TALUK,
   REPRESENTED BY HIS FATHER AND GUARDIAN THE IST
   RESPONDENT.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.P. Balachandran, J.

W.P.(C)No. 11359 of 2007

Dated this the 2nd day of April, 2007

JUDGMENT

Petitioners are the judgment debtors in O.S. 1545 of 2005 on the file of the Additional Munsiff's Court, Thiruvananthapuram which stands transferred to the Munsiff's Court, Nedumangad for execution. Petitioners filed an application for stay before the execution court under Order XX1 Rule 26 C.P.C as E.A No.107 of 2007 as they could not obtain stay from A.S. 32/ 2007 filed by them before the Sub Court, Thiruvananthapuram, as the appeal was filed belatedly and delay is yet to be got condoned. The grievance of the petitioners is that on E.A. 107/2007 was passed on 29.3.2007 and delivery is ordered to be effected on 3.4.2007 without even issuing carbon copy, applied for vide Ext.P2 copy application, of order dated 29.3.2007 in E.A. 107/2007.

In the result, I direct the Munsiff, Nedumangad, before whom O.S. 1545/2005 of the Munsiff's Court, Thiruvananthapuram, is pending in execution, to issue carbon copy applied for vide Ext.P2 application, of order dated 29.3.2007 on E.A. 107/2007 positively within three days on receipt of a copy of this judgment. The petitioners are directed to produce a copy of this judgment before the Munsiff, Nedumangad positively on or before

7.4.2007 to enable him to comply with the above directions. Issue copy of this judgment to the counsel for the petitioners on application as per rules, as expeditiously as possible. In the meanwhile, delivery shall stand adjourned to 12.4.2007.

The writ petition is disposed of with the above directions.

(K.P.Balachandran, Judge)

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/True copy/

P.A to Judge